

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENT TO CHAPTER 13-222 HAWAII ADMINISTRATIVE RULES, REGARDING THE STATE'S SHORELINE CERTIFICATION RULES (13-222)

DATE: March 9, 2006
TIME: 6:00 P.M.
PLACE: Conference Rooms A, B, & C, State Office Building, 3060 Eiwa Street, Lihue, Kauai

DATE: March 16, 2006
TIME: 6:00 P.M.
PLACE: Velma “McWayne” Santos Community Center, Main Hall, 395 Waena Place, Wailuku, Maui

DATE: March 23, 2006
TIME: 6:00 P.M.
PLACE: Hilo State Office Building, Conference Rooms A, B, & C, 75 Aupuni Street, 1st Floor, Hilo, Hawaii

DATE: March 30, 2006
TIME: 6:00 P.M.
PLACE: Kealahou High School Auditorium, 74-5000 Puuhuluhuli Street, Kailua-Kona, Hawaii

DATE: April 6, 2006
TIME: 6:00 P.M.
PLACE: Room 132 of the Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Hawaii.

The Department of Land and Natural Resources (DLNR), State of Hawaii, pursuant to Chapters 91 and 183C, Hawaii Revised Statutes, will hold public hearings to receive testimony on:

Amendment to Chapter 13-222, HAR regarding shoreline certifications.

The definition of “shoreline” under the Board of Land and Natural Resources (BLNR’s) shoreline certification rules differs from that of the definition under § 205A-1, Hawaii Revised Statutes. Under § 13-222-2, the “shoreline” is:

“The upper reaches of the wash of the waves, other than storm or tidal waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or where there is no vegetation in the immediate vicinity, the upper limit of debris left by the wash of the waves.”

The underscored clause is extra language not found in the statute. The plain terms of this clause

appear to reduce interpretation by establishing the vegetation line as the preferred proxy for the shoreline and relegating the debris line to a secondary proxy to be considered only “where there is no vegetation in the immediate vicinity.” This emphasis on the vegetation line had in past led to an emphasis by the surveying community on vegetation, often to the exclusion of other important evidence such as debris lines, scarping on the beach, coastal dune location, changes in vegetation, natural vs. induced vegetation, wave buoy data, and other important evidence of the high wash of the waves. The present language of the rule and its interpretation had, in some cases resulted in shoreline delineations that were too far seaward of their proper location by over-reliance on vegetation. The proposed rules amendment will result in consistent language between the statute and rule.

A copy of the rule amendments is available on-line at: www.state.hi.us/dlnr/occl/Rules.php. Materials are available for review in Honolulu at the DLNR Office of Conservation and Coastal Lands, Kalanimoku Building, Room 131, 1151 Punchbowl St., the Kauai District Land Office, 3060 Eiwa St. Room 306, Lihue, Kauai, the Maui District Land Office, 54 High Street, Room 101, Wailuku, Maui, and the Hawaii District Land Office, 75 Aupuni Street, Room 204, Hilo, Hawaii, between the hours of 7:45 and 4:30, Monday-Friday. The subject amendments can be mailed to parties for a fee of \$1.00.

At the public hearing or within fifteen days following the close of the public hearing, any person may file with the Board a written protest or other comments or recommendations in support of or in opposition to the proposed rulemaking. The Board of Land and Natural Resources shall take final action on this rulemaking at a future regularly scheduled Board meeting.

Disabled individuals planning to attend the hearing are asked to contact the DLNR at the above address or phone Dawn Hegger at 587-0380 **at least three days in advance of the public hearing** to indicate if they have special needs which require accommodation.

BOARD OF LAND AND NATURAL RESOURCES

PETER T. YOUNG, Chairperson

Dated: _____

PUBLICATION DATES: